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6-19-3

JACOX, MECKSTROTH & JENKINS

ATTORNEYS AT LAW

PATENT, TRADEMARK & COPYRIGHT MATTERS

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U.S. PATENT & TRADEMARK
OFFICE OFFICE

June 19, 2003

FACSIMILE
937/298-7418

Mail Stop 16
Director of the US Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Re: Deposit Account No. 50-1287
Electronic Statement dated May 2003
U. S. Patent Application 10/017,667
Filed December 13, 2001
for METAL BRUSH BOX WITH HEAT SINK
FINS FOR DECREASING BRUSH
TEMPERATURE IN AN ELECTRIC MOTOR OR ALTERNATOR
Inventors Tao Hong and John R. Savage
Docket VAL 100 P2

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Sandi Schlegel

typed or printed name of person mailing paper or fee

Sandi Schlegel 6/23/03
Signature

Sir:

REQUEST FOR REFUND UNDER 37 CFR §1.26

The May 2003 Electronic Statement for Deposit Account 50-1287 indicates a charge of \$410.00 for a code 1252, Extension for Response in the Second Month. **This charge is in error** in that a Term for Response was not specified in the November 14, 2002 Office Action Applicants received. The Period for Reply on the Office Action Summary states that "If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication".

Applicant therefore requests a refund and that Deposit Account 50-1287 be credited in the amount of \$410.00.

Copies of the May 2003 Electronic Statement and the first and second page of the Office Action, showing no period for reply was specified for response, are attached.

Respectfully submitted,

JACOX, MECKSTROTH & JENKINS

Adjustment date: 11/25/2003 EEKUBAY1
05/06/2003 RHAWKIN1 00000002 501287 10017667
01 FC:1252 410.00 CR

By *Matthew R. Jenkins*
Matthew R. Jenkins
Reg. No. 34,844

Office Action Summary

Applicati n No.

10/017,667

Applicant(s)

HONG ET AL.

Examiner

Nguyen N Hanh

Art Unit

2834

— The MAILING DATE of this communication appears in the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.